



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,499	11/25/2003	Keith Rosiello	18405-129	8935
48329 7590 01/18/2007 FOLEY & LARDNER LLP 111 HUNTINGTON AVENUE 26TH FLOOR BOSTON, MA 02199-7610			EXAMINER SORKIN, DAVID L	
			ART UNIT	PAPER NUMBER
			1723	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/723,499

Applicant(s)

ROSIELLO ET AL.

Examiner

David L. Sorkin

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 32-48 is/are pending in the application.
- 4a) Of the above claim(s) 39-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 October 2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 11, 13-18, 24-29 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Drucker (US 3,675,846). Regarding claims 1, 13 and 24, Drucker ('846) discloses a bag (81) (as well as a centrifuge comprising the bag) having a central opening which includes an integrally formed first mating portion (the portion of the bag adjacent 55a and/or 55b) mating with a corresponding second mating portion (55a, 55b) of a hub (55) (see Fig. 3). Regarding claims 2, 14 and 25, the first mating portion comprises an integrally molded radial barrier (see Fig. 3, near 55b). Regarding claim 3, 15, and 26, the first mating portion comprises one or more recesses (see Fig. 3). Regarding claim 4, 16, and 27 the first mating portion comprises one or more raised

Art Unit: 1723

areas (see Fig. 3). Regarding claims 5, 17 and 28, the radial barrier comprises a circumferential ring of raised material (see Fig. 3). Regarding claim 6, 18 and 29, the radial barrier comprises a circumferential recess (see Fig. 3). Regarding claim 11, the manner in which the bag is intended to be used is not germane to the patentability of the bag. Regarding claim 34, Drucker ('846) discloses a method of sealing a centrifuge bag to a hub comprising providing a bag (81), for use in centrifugal processing, wherein the bag comprises a substantially circular enclosure having a central opening, wherein the central opening includes an integrally formed first mating portion (the portion of the bag adjacent 55a and/or 55b); and providing a hub (55) having a second mating portion (55a, 55b) corresponding to the first mating portion; placing the hub within the opening; and mating the first mating portion with the second mating portion (see Fig. 3; col. 2, lines 49-60).

4. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mercier (US 4,610,369). Regarding claims 1 and 13, Mercier ('369) discloses a bag (33) comprising a substantially circular enclosure having a central opening, wherein the central opening includes an integrally formed first mating portion (39) mating with a corresponding second mating portion of a hub (27). Regarding claims 2 and 14, the first mating portion comprises an integrally molded radial barrier (see Fig. 2, 3, 5 and 6). Regarding claims 3, 9, 15 and 21, the first mating portion comprises one or more recesses formed adjacent the opening (see Fig. 2, 3, 5 and 6). Regarding claims 4, 10, 16 and 22, the first mating portion comprises one or more raised areas formed adjacent the opening (see Fig. 2, 3, 5 and 6). Regarding claims 5 and 17, the radial barrier

Art Unit: 1723

comprises a circumferential ring of raised material (see Fig. 2, 3, 5 and 6). Regarding claims 6 and 18, the radial barrier comprises a circumferential recess (see Fig. 2, 3, 5 and 6). Regarding claims 7 and 19, the bag includes a first side and second side, each side having a respective opening (see Fig. 2, 3, 5 and 6). Regarding claims 8 and 20, each side includes a first mating portion (see Fig. 2, 3, 5 and 6). Regarding claim 11, the manner in which the bag is intended to be used is not germane to the patentability of the bag. Regarding claims 12 and 23, the bag further comprises at least one weld ring having a central opening for receiving a first side of the hub and a surface positioned adjacent the first side of the bag proximate the opening of the first side (see Fig. 3).

5. Claims 1-29 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Jorgensen et al. (US 2002/0107131). Regarding claims 1, 13 and 24, Jorgensen ('131) discloses a bag (10, 50, 94, or 96) (as well as a centrifuge comprising the bag) comprising a substantially circular enclosure having a central opening (such as 11 or 51), wherein the central opening includes an integrally formed first mating portion mating with a corresponding second mating portion of a hub (20, 60, 104). See [0043]. Regarding claims 2, 14, and 25, the first mating portion comprises an integrally molded radial barrier (see especially Fig. 1). Regarding claims 3, 9, 15, 21, and 26, the first mating portion comprises one or more recesses formed adjacent the opening (see especially Fig. 1). Regarding claims 4, 10, 16, 22 and 27 the first mating portion comprises one or more raised areas formed adjacent the opening (see especially Fig. 1). Regarding claims 5, 17 and 28, the radial barrier comprises a circumferential ring of

Art Unit: 1723

raised material (see especially Fig. 1). Regarding claims 6, 18 and 29, the radial barrier comprises a circumferential recess (see especially Fig. 1). Regarding claims 7 and 19, the bag includes a first side and second side, each side having a respective opening (see Fig. 1, 3, 7 and 11). Regarding claims 8 and 20, each side includes a first mating portion (see Fig. 1, 3, 7 and 11). Regarding claim 11, the manner in which the bag is intended to be used is not germane to the patentability of the bag. Regarding claims 12 and 23, the bag further comprises at least one weld ring (30, 40, 70, 80, 100 or 102) having a central opening for receiving a first side of the hub and a surface positioned adjacent the first side of the bag proximate the opening of the first side. Regarding claim 34, Jorgensen ('131) discloses a method of sealing a centrifuge bag to a hub comprising providing a bag (10, 50, 94 or 96) for use in centrifugal processing, wherein the bag comprises a substantially circular enclosure having a central opening (such as 11 or 51), wherein the central opening has an integrally formed first mating portion (see Fig. 1); and providing a hub (20, 60 or 104) having a second portion corresponding to the first mating portion; placing the hub with in the opening; and mating the first mating portion with the second mating portion (see [0043], [0050], Figs. 1-8 and 11).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1723

7. Claims 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorgensen et al. (US 2002/0107131). The method of Jorgensen was discussed above with regard to claim 34. While the verb "welding" is not expressly used by the reference, "weld rings" are extensively discussed (see [0047] and [0050]). The discussion of "weld rings" would have suggested welding, either with heat or with solvent, to one of ordinary skill in the art.

8. Claims 30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorgensen et al. (US 2002/0107131) in view of Schlutz (US 3,982,691). Jorgensen ('131) discloses a method of sealing a centrifuge bag to a hub comprising providing a bag (10, 50, 94 or 96) for use in centrifugal processing, wherein the bag comprises a substantially circular enclosure having a central opening (such as 11 or 51), wherein the central opening has a first mating portion (see Fig. 1); and providing a hub (20, 60 or 104) having a second portion corresponding to the first mating portion; placing the hub with in the opening; and mating the first mating portion with the second mating portion (see [0043], [0050], Figs. 1-8 and 11). Use of adhesive is not explicitly disclosed.

Schlutz ('691) teaches joining components of a centrifuge bag assembly using adhesive (see col. 12, lines 1-9). It would have been obvious to one of ordinary skill in the art to have joined the portions of Jorgensen ('131) using adhesive, because, since Jorgensen ('131) explains that joining is required but does not detail exactly how, one would look to prior art methods of joining such as those of Schlutz ('691), col. 12, lines 1-9.

Response to Arguments

9. The examiner agrees with applicant's statement regarding Drucker (US 3,675,846), where applicant correctly states that items 55a and 55b are not part of the bag, but are part of central bracket 55. However, a first mating portion of the bag, which is an integral part of the bag, is located adjacent and mates with 55 at 55a and 55b.

10. Regarding Mercier (US 4,610,369), as seen in Figs. 1-3, a bag (33) comprising a substantially circular enclosure having a central opening is disclosed.

11. Regarding Jorgensen et al. (US 2002/0107131), and perhaps the other references, applicant argues as if the first mating portion is required to be integrally formed with something else, such as a hub. However, no such limitation is found in the claims. The claims only recite that the first portion of the bag is integrally formed, not that it is integral formed with something else. In fact, the hub is not even required in claim 1. The invention, as claimed in claim 1, is a bag, not a bag and hub integrally formed.

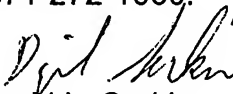
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David L. Sorkin
Primary Examiner
Art Unit 1723

DLS